THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:15-12-2005

WRIT PETITION No.23016 OF 2004

BETWEEN:

Y.Damodhar Reddy

…Petitioner

And

The Regional Passport Officer, Secunderabad and another.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the first respondent in not correcting the date of birth of the petitioner as 12-9-1985 instead of 18-8-1989 in the passport bearing

No.E 5218650 as arbitrary, illegal and violative of principles of natural justice.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government.

It is stated that the first respondent issued a passport bearing No.E 5218650 to the petitioner, which is valid from 23-5-2003 to 22-5-2008. The date of birth of the petitioner was wrongly entered in the passport as 18-8-1989 instead of 12-9-1985. It is further stated that the petitioner approached the first respondent for correction of his date of birth basing on the certificate issued by the Head Master of the School and also the certificate issued by the Mandal Revenue Officer showing that his date of birth is only 12-9-1985, but not 18-8-1989, but the first respondent refused to correct the date of birth.

The learned standing counsel for the Central Government submits that in fact, passport was issued basing on the petitioner's educational pass certificate pertaining to his 7th class common examination held in 2002 with roll No.7288, wherein his date of birth was entered as 18-8-1989, therefore, it is not open for the petitioner to get correction of the date of his birth unless the entries in the school records were corrected.

Having regard to the facts and circumstances of the case, the writ petition is dismissed, with a liberty to the petitioner to get his date of birth rectified in the pass certificate issued for private candidates based on which the passport was issued and after getting rectification, it is open for the petitioner to file an application before the first respondent to make necessary corrections of the date of birth in the passport. No order as to costs.

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V.ESWARAIAH, J

Date: 15-12-2005.

Shr.